

REMARKS/ARGUMENTS

This amendment is being filed concurrently with the filing of an RCE. In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 15, 23, and 28 have been amended to improve the form thereof. Thus, claims 15-30 are pending for further examination.

Claims 15-30 remain rejected under 35 USC 103(a) as being obvious over Nathan in view of Kleiman. For at least the following reasons, Applicant respectfully contends that the pending claims are not rendered obvious by the cited references. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

In the proposed independent claim 15, Applicant removed the expression "and further wherein the destination equipment is distinct from said user's terminal" added in response to the previous Office Action, and Applicant made the distinction between the several possibilities allowed by the present invention: The user's terminal can be any terminal distinct from the destination equipment, but can also be one of the jukeboxes (i.e., destination equipment) connected to the host server and can thus be the jukebox on which the selection is to be played at a deferred time. Applicant respectfully submits that the possibility of the user's terminal being distinct from the destination equipment implies novelty and inventiveness based on the requirements in the system that enable this possibility. Applicant thus introduces new limitations in the independent claims

providing grounds for the argumentation below. Applicant respectfully submits that the amendments are fully supported by the specification and particularly by pages 10 and 11.

If the remote user's terminal is distinct from destination equipments and thus unable to generate or record the special file enabling the selection to be played on the destination equipment, the purpose of the present invention requires (in the system and the process) that a Request Processing Module installed on the server cooperate with a Request Processing Module installed on the destination equipment to generate the special file interpretable by the destination equipment (and to enable the implementation of the various steps of the process).

Applicant focuses its argumentation on the "Request Processing Module" installed on the destination equipment (jukeboxes), and especially on the "Request Processing module" installed on the server. The request processing module installed on the server allows a remote terminal, which can be distinct from the destination equipment (jukeboxes) connected to the server, to order a selection to be played on at least one destination equipment. This request processing module of the server is a new and inventive feature of the present application because it is dedicated to the generation and recording of the special file which will be executed by the destination equipment for playing the selected selection. No such request processing module of a server for generating and recording a special file containing at least one selection to be played on a destination equipment can be found in the prior art of record.

The other proposed independent claims of the present application have been amended according to this amendment of independent claim 15.

Applicant respectfully submits that these amendments show that the claimed invention is new and inventive compared to the cited references. These amendments are fully supported by the specification. In particular, page 13 and page 15 assert that a "special file" (141, 841) is generated by the server or the jukebox and contains the list of specific requests of the selections to be played on destination equipments. Pages 10 and 11 of the specification explain that a "request processing module (852)", installed on the server and on the jukebox generates the special file (141,841) containing the specific requests by the implementation of the steps shown in figure 4.

Applicant stresses the differences between the present application and Nathan and Kleiman. Both cited documents describe the ordering of selections to be downloaded to the jukeboxes, and Nathan '219 describes that an operator can trigger this downloading from a computer connected to the server. This remote ordering of downloads is performed by connecting the computer of the operator to the server of Nathan which sends to the computer a list of available selection to be downloaded in the jukeboxes but does not comprise a Request Processing Module for generating special files comprising requests containing selections to be played and the time and date at which the selections are to be played. The operator selects the selections to be downloaded on any given jukebox and then sends to the server requests comprising the selections selected by the operator, but the server does not have to generate a special file to be sent to the jukebox

for its execution and only has to send the selections to the jukeboxes identified by the requests. Conversely, in the preferred embodiment of the present invention in which the in advance order of selections to be played is performed from a user's terminal distinct from the destination equipment, the server has to generate a special file to be sent to the destination equipment, which also comprises a Request Processing Module for examining (Claim 22) the special file and determining if a selection is to be played at the current date and time and, if needed, adding the selection in the playlist. As noted in the Office Action, the Nathan's jukeboxes are able to examine files defining at least one selection to be played at a given time and date and, if needed, adding the selection to the playlist. But the server of Nathan '219 does not comprise means for generating such a file defining at least one selection to be played at a given time and date.

As Applicant mentioned in its previous response, the user's terminal can be a jukebox on which the selection is to be played, another jukebox or any system unit as described in the specification (page 3, line 32-33, page 10, line 35 to page 11 line 3 and page 11, line 35-36). The user's terminal does not have to (but can) be distinct from the jukebox (destination equipment) on which the selection is to be played.

The special file generated by the request processing module can be:

- 1) recorded on the server by the request processing module and downloaded to a destination equipment, when the selection is made from a terminal distinct of the jukeboxes (destination equipments) connected to the server;
- 2) recorded on the jukebox itself (if the music to be played is ordered on the jukebox); or,

- 3) downloaded from a jukebox to the server and then from the server to at least one jukebox (if the selection on a jukebox is made for music to be played on another jukebox).

These three possibilities now clearly appear in independent claim 15.

A technical characteristic resides in the fact that the file for storing the specific request is generated either by the server (and is then referenced as 141), when the user orders the selection from an ordinary terminal, or is generated by the jukebox itself (and is then referenced as 841), when the user orders the selection from a jukebox. This "special file" (141, 841) is generated by the request processing module (852) (either the one installed on the server or the one installed on a jukebox) and is thus generated in a format which allows its execution by the request processing module (852) of the jukeboxes on which the selection is to be played. This is different from generating a request on a computer of the operator and sending it to the server as in Nathan and from generating a download schedule on the server as in Kleiman.

When correctly interpreting the limitation "user's terminal" and considering that the special file which stores the specific request is generated in a format executable by the jukeboxes even though the request was ordered from any common terminal, the subject matter of the present application is not obvious. This also explains why the independent claims concern the steps of the process for selecting features related to the request and not for the execution of the request. The amendments proposed for the claims insist on this technical characteristic of the generation of the special file containing the specific requests.

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The remaining claims 16-22, 24-27, and 29-30 depend from amended claims 15, 23, and 28. Thus, these claims are allowable at least by virtue of their dependency on the allowable, independent amended claims 15, 23, and 28.

In view of the foregoing amendments and remarks, Applicant believes that the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejections and allowance of this application are respectfully requested.

Respectfully submitted,

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